REMARKS

The present invention is a recovery management terminal for handling deleted items in a wireless communication unit and a method for handling deleted items being represented in a recovery management terminal in a wireless communication unit. The method for handling deleted items being represented in a recovery management terminal and a wireless communication unit in a hierarchical memory structure in accordance with an embodiment of the invention includes representing a name of the deleted items in the memory structure as identified by reference numeral 42 in Fig. 7, where the representation includes additional information about the deleted item, such as icon 55; recovering at least one deleted item from the hierarchical memory structure of the deleted items and relocating the at least one recovered deleted item to an original location before being deleted from the hierarchical memory structure in the recovery management terminal; saving the recovered at least one deleted item to a new location; and using a user interface for emptying the hierarchical memory structure and enabling manipulation of the deleted items including providing a user of the wireless communication unit browsing through the hierarchical memory structure as illustrated in Figs. 7-10.

Claims 1, 3, 7, 8, 10, 14, 16, 18 and 19 stand rejected under 35 U.S.C. §102 as being anticipated by the Microsoft Windows NT recycle bin. These grounds of rejection are traversed for the following reasons with respect to newly submitted claims 21-40 which correspond to claims 1-20.

Independent claim 21 recites:

A recovery management terminal for handling deleted items in a wireless communication unit, comprising:
means for displaying the deleted items in a hierarchical memory structure including additional information about the deleted items;
means for recovering at least one deleted item from the hierarchical memory structure of deleted items and relocating a link to the recovered at least one deleted item to an original location thereof before deletion thereof from a memory position in which the deleted item is stored;
means for establishing a link from a memory position in which the recovered at least one deleted item is stored to a new location; and
a user interface for enabling manipulation of the deleted items including providing a user of the wireless communication unit browsing through the hierarchical memory structure.

Independent claim 28 recites:

A recovery management terminal for handling deleted items in a communication unit, comprising:
means for displaying the deleted items in a hierarchical memory structure including additional information about the deleted items;
means for recovering at least one of the deleted items from the hierarchical memory structure of deleted items and to relocate the recovered at least one deleted item to an original location in another memory structure in which the at least one recovered deleted item was located before deletion thereof and moving to the hierarchical memory structure of the recovery management terminal;
means for establishing a link from the recovered deleted at last one item to a new location; and
a user interface for enabling manipulation of the deleted items including providing a user of the wireless communication unit browsing through the hierarchical memory structure.

and

Independent claim 36 recites:

A method for handling deleted items being represented in a recovery management terminal in a wireless communication unit in a hierarchical memory structure comprising:
representing a name of the deleted items in the memory structure, where representation of the deleted items includes additional information about the deleted items;

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recovering at least one deleted item from the hierarchical memory structure of the deleted items and relocating the at least one recovered deleted item to an original location before being deleted from the hierarchical memory structure in the recovery management terminal;

saving the recovered at least one deleted item to a new location; and

using a user interface for emptying the hierarchical memory structure and enabling manipulation of the deleted items including providing a user of the wireless communication unit browsing through the hierarchical memory structure.

Each of the above claims requires the display of deleted items in a hierarchical memory structure; recovering a least one deleted item from the hierarchical memory structure, establishing a link from a memory position in which the recovered at least one deleted item is stored to a new location and a user interface for enabling manipulation of deleted items including providing a user of the wireless communication unit browsing through the hierarchical memory structure. The claimed permitting of browsing of the items in the hierarchical memory structure, as illustrated in the drawings, facilitates restoring of individual items which are part of the overall structure.

Moreover, it is noted that the Examiner has stated that the recovering means, (which is now recited as a means for recovering in newly submitted independent claims 21 and 28 and as a recovering step in newly submitted claim 36), is met by element 1 in Fig. 2. However, it is submitted that the screen shot showing element 1 in Fig. 2 does not demonstrate how the claimed recovering at least one deleted item from the hierarchical memory structure of deleted items and relocating a link to the recovered at least one deleted item to an original location thereof before deletion thereof from the memory position in which the deleted item is stored is present in Windows NT recycle bin. It is requested that the Examiner more fully explain how

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he considers merely the screen display of element 1 in Fig. 2 to meet the foregoing limitation if he persists in the stated grounds of rejection.

Furthermore, the Examiner further considers establishing a link from a memory position in which the recovered at least one deleted item is stored to a new location as being inherent in the Windows NT recycle bin. However, the burden of proof on inherency is that the Examiner must demonstrate that the aforementioned limitation in the independent claims is <u>necessarily</u> present in the Windows NT recycle bin. However, it is submitted that the Examiner has not explained on the record how the claimed link is necessarily established from the memory position in which the recovered at least one deleted item is stored to a new location by the Windows recycle bin. If the Examiner persists in the stated grounds of rejection relying upon inherency, it is requested that he demonstrate how this subject matter must be present in the Windows NT recycle bin.

Finally, the claimed user interface includes providing a user of the wireless communication unit browsing through the hierarchical memory structure which is <u>not</u> present in the Windows NT recycle bin architecture.

Claims 2, 9, and 17 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 6,256,739 (Skopp et al). Skopp et al have been cited as teaching a shut down procedure which calculates whether an advertisement should be permanently removed from that client's advertisement index. This does not cure the deficiencies noted above regarding the Windows NT recycle bin with respect to independent claims 1, 8 and 16 and their corresponding newly submitted claims 21, 28 and 36.

Claims 4, 5, 6, 11, 12, 13, 15 and 20 stand rejected under 35 U.S.C. §102 as being unpatentable over United States Patent 6,636,733 (Helferich). These grounds of rejection are traversed for the following reasons.

Helferich has been cited as providing a system for deleting messages when memory is full permitting deleted overwritten messages to be retrieved and stored by a mobile telephone. The Examiner refers to column 8, line 59. Helferich goes on to explain in column 9, to describe an order of priority of deleting parts of messages beginning with the oldest read message body first, etc. as set forth in column 9, lines 2-9.

Newly submitted claim 24, which corresponds to claim 4, limits claim 1 in reciting the recovery management terminal can be set automatically to delete the hierarchical memory structure when the memory available in the communication unit is used. It is submitted that Helferich's deletion of messages would not motivate a person of ordinary skill in the art to modify the Windows NT recycle bin to automatically delete the hierarchical memory structure when memory available in the communication unit is used since only portions of messages are overwritten or the messages are described as being retrievable after the messages were deleted without any reference or suggestion of how those messages would be deleted and, furthermore, the memory structure is not described as a hierarchical structure as set forth in claim 1. Claims 11 and 20 are patentable for the same reasons set forth above.

Claim 5 and corresponding newly submitted claim 25 further limits claim 1 and newly submitted claim 21 respectively in reciting that the memory management terminal can be set to automatically delete the hierarchical memory structure at a

time interval. Claims 5 and 25 are patentable for the same reasons set forth above with respect to the deficiencies of Helferich discussed regarding claim 4 and newly submitted claim 24. Moreover, claim 12 and newly submitted claim 32 are patentable for the same reasons.

Claim 6 and newly submitted claim 26 respectively limit claim 1 and claim 21 in reciting that the recovery management terminal can be set to automatically delete the hierarchical memory structure when memory available in the communication terminal is used and the hierarchical memory structure can be set to delete selected types of items. The subject matter of Helferich does not disclose this operation. Accordingly, if Helferich is combined with Microsoft Windows NT recycle bin, the subject matter of claim 6 and newly submitted claim 26 would not be achieved. Claim 13 and newly submitted claim 33 are patentable for the same reasons.
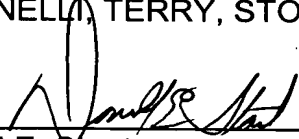
In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (1030.40826X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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